



BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Mailing Address: Post Office Box 349002, Sacramento, CA 95834-9002
2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833-2944
Telephone: (916) 263-2222 CALNET: 8-435-2222
Facsimile: (916) 263-2246
www.dca.ca.gov/pels



BOARD MEETING MINUTES

THURSDAY APRIL 6, 2000
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
HYATT REGENCY MONTEREY
MONTEREY, CALIFORNIA

Thursday, April 6, 2000

Board Members Present: George Shambeck (President), Kathy Hoffman (Vice-President), Gregg Brandow, Vincent DiTomaso, Ted Fairfield, James Foley, Marilyn Lyon, Myrna Powell, Millicent Safran, Quang Vu

Board Members Absent: David Chen, Andrew Hopwood, Steve Lazarian

Board Staff Present: Cindi Christenson (Executive Officer), Gary Duke (Legal Counsel), Susan Ruff (Deputy Attorney General), Kevin Schunke (Special Assistant to the Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Jacqueline Barclay (Executive Analyst)

Public Present: Tom Stout, Tony Spillane, CLSA; Carrie Clark, Center for Public Interest Law; Eugenie Thomson; Lionel J. Sudds, PEEG; David Royer

1. **Roll Call to Establish a Quorum**

The meeting was called to order by President Shambeck at 3:40 p.m.
Roll call was taken and a quorum was established.

2. **Public Comment**

President Shambeck asked for public comment. No comments were made.

3. **Closed Session**

The Board went into closed session.

The Board recessed at 5:00 p.m.

MINUTES
BOARD MEETING

FRIDAY APRIL 7, 2000
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
HYATT REGENCY MONTEREY
MONTEREY, CALIFORNIA

Friday, April 7, 2000

Board Members Present: George Shambeck (President), Kathy Hoffman (Vice-President), Gregg Brandow, Vincent DiTomaso, Ted Fairfield, James Foley, Andrew Hopwood, Marilyn Lyon, Myrna Powell, Millicent Safran,

Quang Vu arrived at 9:20 a.m.

Board Members Absent: David Chen, Steve Lazarian

Board Staff Present: Cindi Christenson (Executive Officer), Dan Buntjer (Legal Counsel), Susan Ruff (Deputy Attorney General), Kevin Schunke (Special Assistant to the Executive Officer), Nancy Eissler (Attorney General Liaison Analyst), Jacqueline Barclay (Executive Analyst)

Public Present: See Attached

1. **Roll Call to Establish a Quorum.**

The meeting was called to order by President Shambeck at 9:00 a.m.
Roll call was taken and a quorum was established.

2. **Public Comment**

Ms. Thompson, Traffic Engineer, spoke regarding the need for the Board to move forward with a declaratory decision of a definition of Traffic Engineering. Ms. Thomson stated that this issue is particularly important to the State of California. Ms. Thomson stated that when she reviewed the Occupational Analysis she realized the need for a definition. In her opinion, there appears to be a high percentage of "title act" traffic engineers performing design work. Ms. Thomson further stated that there are a number of Civil and Traffic Engineers that do not understand the difference between "practice act" engineers and "title act" engineers.

Ms. Thomson showed the Board two examples of a traffic interchange design, one designed by a Traffic engineer and one designed by a consultant hired by an unlicensed engineer, who was very good in CAD. The consultant came up with a new type of interchange called a "point-diamond" interchange. The consultant did not calculate the braking distance, the site distance, did not check column placements, etc. There was someone killed at that interchange for lack of checking. Ms. Thomson stated that she raised the issue with the city involved.

Ms. Thomson stated that it is the role of the Board, not cities, to define the practice of Traffic Engineering. Ms. Thomson further stated that she believes 80 percent of Traffic engineering is Civil engineering, because it includes the design of fixed works. Ms. Thomson believes a declaratory decision in this area would be very helpful.

Dave Royer, Traffic engineer, also spoke. Mr. Royer stated that when he became a Traffic Engineer, it was understood that he could perform planning operations and research, not design work. He stated that today he sees more and more traffic engineers performing design. He also stated that nowhere in the definition of Traffic Engineering is the word design included. Mr. Royer believes that Traffic Engineers should be an authority license.

3. **Open Session to Announce the results of Closed Session**

The Board adopted the Stipulation in the matter regarding Warren Whaley.

The Board denied the Motion to Set Aside the Default Decision in the matter regarding Thomas Tice.

The Board will be issuing a Decision After Non-Adoption in the matter regarding Albert Cramer.

The Board discussed personnel matters.

The Board discussed pending litigation.

The Board approved for licensure those individuals who had taken the October 1999 NCEES examinations and recently submitted and passed the Board Laws and Rules examination.

5. **Approval of Consent Items**

MOTION: Ms. Powell/Mr. Hopwood moved to approve the consent items.

President Shambeck requested the changes to the February Draft Board Meeting Minutes as follows:

Correct Page 27 of the April Board Agenda, 6th paragraph, third sentence from "The NCEES model law requires a 4-year degree in surveying and 8 years"... to "The NCEES model law requires a 4-year degree in surveying and 4 additional years"...

VOTE: 11-0, motion carried.

6. **Approval of Delinquent Reinstatements**

MOTION: Mr. Hopwood/Mr. Foley moved to approve the 3 and 5-year delinquent reinstatements as follows:

Teresa Wooten: Reinstate once applicant takes and passes the seismic principles, engineering surveying, and Board Laws and Rules examinations.

Michael Krebs: Reinstate once applicant takes and passes the seismic principles, engineering surveying, and Board Laws and Rules examinations.

Richard Anoba: Reinstate applicant. (Applicant has taken and passed the Board Laws and Rules examination.)

Clement Lan: Reinstate once applicant takes and passes the Board Laws and Rules examination.

VOTE: 11-0, motion carried.

7. **Comity and Temporary Authorization Applications**

MOTION: Mr. Hopwood/Mr. Vu moved to approve the applicants for comity shown on page 35 of the agenda package.

VOTE: 11-0, motion carried

MOTION: Ms. Hoffman/Mr. Hopwood moved to approve the applicant for civil comity on page 37 of the agenda.

VOTE: 11-0, motion carried

MOTION: Mr. Vu/Mr. Hopwood moved to approve the applicant for civil comity on page 38 of the agenda.

VOTE: 10-1, Mr. DiTomaso voted nay, motion carried

MOTION: Mr. Vu/Mr. Hopwood moved to approve the applicant for civil comity on page 39 of the agenda.

VOTE: 8-2-1, Mr. Fairfield and Mr. DiTomaso voted nay. Ms. Safran abstained. Motion carried.

MOTION: Mr. Hopwood/Ms. Powell moved to approve the applicant for civil comity on page 40 of the agenda.

VOTE: 11-0, motion carried.

8. **Approval of Amendments to the Board Rule 411 (Seal and Signature)**

Ms. Eissler briefed the Board on the status of Board Rule 411. Amendments to the Rule will require a 15-day notice to the public. Ms. Eissler stated that the Rule had been changed as the Board requested at the February Board Meeting.

President Shambeck and Mr. Fairfield suggested that subsection (g) be divided into two sections, one for Professional Engineers and one for Professional Land

Surveyors. They also recommended that the phrase “responsible charge” be used at the end of those sections rather than just the word “responsible.” President Shambeck also suggested that the seal examples include all of the minimum requirements.

MOTION: Mr. Hopwood/Mr. Vu moved to approve the amendments, with the above changes, and direct staff to notice these amendments for a 15-day public comment period.

VOTE: 11-0, motion carried.

9. **2000 Strategic Plan**

The Board discussed at length changes to the 2000 Strategic Plan. Changes include a date the plan was prepared and an effective date of the plan. In addition, corrections to completion dates of objectives, typographical errors, and grammatical changes need to be made. President Shambeck requested that on page 67 of the agenda, Objective 4.2, be corrected to show that he is a member of the Finance and Electronics Technology Task Force. President Shambeck stated that page 69 of the agenda, Objective 5.5, and page 70 of the agenda, Objective 6.1, should be eliminated from the plan. Mr. Fairfield requested that on page 70, Objective 6.4, the language should include that the Board is working with DCA. Mr. Fairfield requested that the Dean’s Council Outreach be added as a new objective.

Ms. Hoffman stated that she would work with Board staff on the above corrections, changes, and review the draft 2000 Strategic Plan prior to its submittal to the Department of Consumer Affairs (DCA).

MOTION: Mr. Fairfield/Mr. Hopwood moved to approve the 2000 Strategic Plan provided Ms. Hoffman works with Board staff on the appropriate changes and reviews the plan prior to its submittal to the Department of Consumer Affairs (DCA).

VOTE: 8-0, motion carried. (Ms. Hoffman, Mr. Vu, and Ms. Powell were not in attendance at the time of the vote.)

11. **Technical Advisory Committee Reports** (This item was taken out-of order and discussed prior to item 10.)

- a. Land Surveying (no report given)
- b. Civil/Geotechnical (no report given)
- c. Mechanical/Electrical
 1. Mr. DiTomaso briefed the Board on the March 23, 2000 meeting.
 2. Approval of Seismic Article for Board Newsletter
“The Board requested the article be changed from “first person” to “third person.” Also, Ms. Powell requested that the “preamble statement” written at the heading of the article not state that the TAC made the decision to publish the article. The preamble can be either restated or deleted.
 3. Appointment of EE TAC Members

MOTION: Mr. DiTomaso/Mr. Hopwood moved to reappoint Gary Olsen, Obed Abledu, and Tom Yu to the EE TAC for their second year term.

VOTE: 11-0, motion carried

10. **Election of Board President and Vice-President for 2000/2001.**

MOTION: Mr. Vu/Ms. Powell moved to elect Kathy Hoffman as President, and Vincent DiTomaso as Vice-President for the 2000/2001 Board.

VOTE: 11-0, motion carried

Both Ms. Hoffman and Mr. DiTomaso accepted.

12. **Liaison Reports**

a. ABET

Mr. Stout reported that ABET is proceeding with an ABET accreditation for Computer Science.

b. NCEES

1. Western Zone Meeting

Mr. Fairfield reported on NCEES matters. Mr. Fairfield stated that the Western Zone meeting will be in May in Colorado. Mr. Shambeck, Mr. Fairfield, Ms. Hoffman, Mr. Brandow, and Ms. Christenson will be attending the Western Zone Meeting. Of particular interest will be the Mobility issue; the Task Force will be pushing for support in this area. Another area of interest will be the need for a comprehensive standardized contract between each State Board and NCEES regarding examinations. Mr. Fairfield also stated that Constitution/By-law issues will be discussed in a similar form, and nominations will be made for Zone Officers and National Officers. Ms. Christenson is on the nominating committee.

MOTION: Mr. Hopwood/Ms. Powell moved to direct and authorize Ms. Christenson to nominate Mr. Fairfield as NCEES President-Elect.

VOTE: 11-0, motion carried.

MOTION: Mr. Vu/Mr. Hopwood moved to support the nomination of Martin Pederson as Western Zone Vice-President.

This motion was withdrawn.

The Board decided that it should not take an official position on this matter.

Mr. Shambeck stated that traditionally NCEES has funded one person from each state to attend. Most states send the Executive Officer for continuity purposes. He asked if the Board wanted to consider this method. Ms. Powell believes NCEES is for Boards and Board Members and encourages Board Members to attend. Ms. Christenson stated that only sending one person comes into play should the budget not allow for more to go.

2. Land Surveyor Members Forum Report.

Mr. Shambeck reported on this forum. They discussed a NAFTA/MRD for land surveyors. This was proposed by Canada. The U.S., Canada, and Mexico are still reviewing the MRD.

NCEES Model Law Task Force issues. They are considering further revisions to the Model Law to grandfather photogrammetrists for comity, and the definition of Land Surveying. The October 1999 LSIT was the first academic based examination. The national pass rate was 38 percent, 31 percent for California. For examinees with a degree in land surveying, the national pass rate was 80 percent.

13. **President's Report**

Mr. Shambeck's report was given under other items on the agenda.

14. **Executive Officer's Report**

Ms. Christenson reported that a new supervisor, Carol Walsh has been hired. Ms. Christenson reported that the spring examinations would be given in one week. The Enforcement Unit has been working hard to reduce their caseloads. Ms. Diane Barbosa, Board staff, is working on the spring bulletin. The budget hearings of the Assembly and Senate were held in late March. Ms. Christenson had one meeting with ASME, and they discussed mobility among states; it was suggested that California look at Canada's model law.

15. **Committee Reports**

a. Administrative

Ms. Lyon reported on the April 6 Committee meeting.

b. Examination/Qualifications

Ms. Safran reported on the April 6 Committee meeting.

MOTION: Mr. Vu/Mr. Hopwood moved to approve going forward with the Occupational Analysis for the Professional Land Surveyor Examination.

VOTE: 11-0, motion carried

c. Enforcement

Mr. Foley reported on the April 6 Committee meeting.

d. Legislative

Mr. Brandow reported on the April 6 Committee meeting.

2. Proposed Legislation

MOTION: Mr. Brandow/Mr. Vu moved to take the following positions on the following bills:

AB 688	Oppose
AB 1096	Oppose
AB 2272	Oppose
AB 2629	Support, including proposed amendments to include language stating that qualifications shall be based on NCEES test plan for both ME/EE
SB129	Watch
SB 2030	Watch

VOTE: 11-0, motion carried

3. Sunset Process and Related Legislative Action

Mr. Brandow reported that DCA would take the lead in the Title Act study. Mr. Brandow reported that the effective date of implementation of the NCEES examinations in conjunction with a state-specific for SE and LS examination was changed to 2004. Both the Sunset Committee and DCA recommended moving forward with authorization of supplemental practice between Mechanical Engineers and Electrical Engineers. The JLSRC recommended a change to the composition of the Board to include state and local representation.

MOTION: Mr. Brandow/Mr. Hopwood moved to support the supplemental practice between mechanical engineering and electrical engineering, but preclude overlap into civil engineering, especially structural.

VOTE: 11-0, motion carried.

Mr. Schunke discussed other bills not affecting the Board directly.

16. **Approval of Board Travel**

President Shambeck reported that Mr. Fairfield and he were invited to speak at the curriculum advisory meeting at Cal Poly, San Luis Obispo.

MOTION: Ms. Hoffman/Mr. Hopwood moved to approve President Shambeck and Mr. Fairfield attending the above meeting.

VOTE: 11-0, motion carried

17. **Other Items Not Requiring Board Action**

Mr. Shambeck suggested that the next Board meeting dates be changed to having the Committee Meetings on May 31 and the Board meeting on June 1. Board members concurred.

18. **Adjourn**

MOTION: Mr. Hopwood/Mr. Vu moved to adjourn.

VOTE: 11-0, motion carried. The meeting adjourned at 12:20 p.m.